

REMARKS

Claims 1 and 26 are amended. Claim 35 is canceled. Claims 2, 24-25 and 32-33 were previously canceled. Hence, Claims 1, 3-23 and 26-31 are pending.

I. SUMMARY OF THE TELEPHONE INTERVIEW

Examiner Goodchild is thanked for conducting a telephone interview with applicants' representative Malgorzata Kulczycka on May 27, 2010.

Claim 1 and proposed amendments thereof were discussed. The Examiner indicated that the proposed amendment to the claims would overcome the cited prior art references, subject to an updated search. Although an agreement regarding patentability was not reached, significant progress in understanding the features recited in Claim 1 was made.

II. ISSUES RELATING TO ALLEGED PRIOR ART

A. CLAIMS 1, 3-7 AND 26-32 -- § 103: MITTAL, BRUCKERT, TALLURI

Claims 1, 3-7 and 26-32 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Mittal et al., U.S. Patent No. 7,076,645 ("Mittal"), in view of Bruckert et al., U.S. Patent Publication No. 2002/0049859 ("Bruckert"), and in further view of Talluri et al., U.S. Patent No. 6,748,429 ("Talluri"). (Office Action, page 2) The rejection is respectfully traversed.

CLAIM 1

Support for the amendment is provided at least in paragraphs [133]-[138] and [76] (steps 8 and 11) of the applicants' specification.

Among other features, Claim 1 recites that, in a cluster, comprising active routers, standby routers and switches, an operation is performed concurrently on all active routers as a whole and only on the active routers. The operation is performed by transforming the operation into one or more device-specific operations for each of the active routers, and communicating the configuration command to each of the active routers. Claim 1 also recites that each of the active routers is concurrently reconfigured based on reconfiguration information. The reconfiguring causes a change of one or more connections between the active routers in the plurality of active router and the switch devices, which belong to different networks.

It is well founded that to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), the references cited and relied upon must teach or suggest all the claim limitations. In addition, a sufficient factual basis to support the obviousness rejection must be proffered. *In re Freed*, 165 USPQ 570 (CCPA 1970); *In re Warner*, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 148 USPQ 721 (CCPA 1966).

Claim 1 recites one or more features that are not disclosed in Mittal, Bruckert and Talluri, individually or in combination. For example, the cited references fail to disclose an operation performed concurrently on all active routers as a whole and only on the active routers in a cluster comprising not only the active routers, but also standby routers and switches.

The Office Action alleges that Mittal discloses an operation performed on a cluster as a whole, as recited in Claim 1, in Mittal's column 2 (ll. 39-41). This is incorrect because Mittal discloses rebooting devices in a cluster without specifying that the operation pertains to all and only to all active routers in the cluster. In fact, Mittal reboots its cluster in such a way that at least one member of the cluster remains active. Because Mittal does not reboot at least one active device, **Mittal's rebooting does not involve all active devices in the cluster**, as claimed. Further, because Mittal reboots all but one device, regardless of whether the devices are active routers, standby routers or switches, **Mittal's rebooting does not involve only the active devices**, as claimed.

The Office Action alleges that because Bruckert describes a cluster comprising switches and routers, Bruckert discloses the type of the cluster system, as recited in Claim 1. This is incorrect because Bruckert does not describe or suggest that all active routers in the cluster are treated as a whole, as claimed. Bruckert describes that a cluster contains switches and routers. (Bruckert: Para [27], FIGS. 1a, 1b) However, Bruckert does not describe that **the group of routers is divided into a group of active routers and a group of standby routers**, as claimed. Further, Bruckert does not describe that the group of active routers is treated as a whole and **an operation is performed on the plurality of active routers as a whole**, as claimed.

The Office Action alleges that John et al., U.S. Patent Publication 2004/0088412 ("John")

discloses reconfiguring network devices, as recited in Claim 1. (Final Office Action: pages 8-9) This is incorrect because the functions performed on John's cluster do not allow changing one or more connections between the active routers in the plurality of active routers and the switch devices, as claimed. In paragraph [92], John describes that the functionalities provided by a cluster management console include defining a cluster, adding/ removing servers from a cluster, activating/deactivating servers in a cluster, displaying server information, etc. (John: Para [92], ll. 12-30) However, John does **not describe that any connections between active routers and switches may be changed**, as claimed. In fact, John's cluster comprises servers, not routers and switches. Hence, John does not provide for reconfiguring the active routers as a whole by changing one or more connections between the active routers and the switch devices.

The Office Action alleges that Hsu et al., U.S. Patent Publication 2001/0021198 ("Hsu") discloses that the first and second switch devices are associated with different networks, as claimed. (Final Office Action: page 12) This is incorrect because, although Hsu describes switches from two or more network (Hsu: Para [18]), Hsu does **not disclose or suggest that in a multi-network-cluster, connections between the switches and the active routers may be concurrently modified**, as claimed.

Even in combination, Mittal, Bruckert, Talluri, John and Hsu do not provide the claimed approach. No combination provides an approach for concurrently performing the specified operation on active routers in a plurality of active routers by transforming the specified operation into ... device-specific operations ... concurrently communicated to each of the active routers, as recited in Claim 1, and reconfiguring the active routers, as recited in Claim 1.

Therefore, Mittal, Bruckert, Talluri, John and Hsu, individually or in combination, fail to describe or suggest the whole subject matter recited in Claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

CLAIM 26

Claim 26 recites features similar to those in Claim 1. Therefore, applicants believe that Claim 26 is patentable over Mittal, Bruckert, Talluri, John and Hsu, individually or in

combination, for the same reasons discussed for Claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

B. CLAIMS 8-23 -- § 103: MITTAL, BRUCKERT, TALLURI, JOHN

Claims 8-23 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Mittal-Bruckert-Talluri as applied to Claim 1 above, and further in view of John et al., U.S. Patent Publication 2004/0088412 (“John”). (Office Action: page 6) The rejection is respectfully traversed.

Claims 8-23 depend from Claim 1. As discussed above, Mittal-Bruckert-Talluri, individually or in combination, fail to describe or suggest at least one feature recited in Claim 1. Further, John does not cure the deficiencies of Mittal, Bruckert and Talluri with respect to Claim 1. Therefore, Mittal, Bruckert, Talluri and John, individually and in combination, fail to disclose the whole subject matter of Claim 1. Therefore, and due to claim dependency, Mittal, Bruckert, Talluri and John, individually or in combination, fail to disclose the whole subject matter of Claims 8-23. Reconsideration and withdrawal of the rejection is respectfully requested.

C. CLAIM 35 -- § 103: MITTAL, BRUCKERT, JOHN, HSU

Claim 35 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Mittal-Bruckert –Talluri as applied to Claim 1 above, and further in view of Hsu et al., U.S. Patent Publication 2001/0021198 (“Hsu”). (Office Action: page 12)

Claim 35 is canceled, rendering the rejection moot.

D. DEPENDENT CLAIMS

The claims that are not discussed above depend directly or indirectly on the claims that have been discussed. Therefore, those claims are patentable for the reasons given above. In addition, each of the dependent claims separately introduces features that independently render the claim patentable. However, due to the fundamental differences already identified, and to expedite positive resolution of the examination, separate arguments are not provided for each of the dependent claims at this time.

III. CONCLUSION

For the reasons set forth above, all of the pending claims are in condition for allowance. A petition for extension of time is hereby made to the extent necessary to make this reply timely filed. If any applicable fee is missing or insufficient, the Commissioner is authorized to charge any applicable fee to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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/MalgorzataAKulczycka#50496/
Malgorzata A. Kulczycka
Reg. No. 50,496

2055 Gateway Place Suite 550
San Jose, California 95110-1089
Telephone No.: (408) 414-1228
Facsimile No.: (408) 414-1076